



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,365	09/14/2005	Trevor P Martin	36-1918	5529
23117 7590 05/30/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
BROWN, SHEREE N				
ART UNIT		PAPER NUMBER		
2163				
MAIL DATE		DELIVERY MODE		
05/30/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/549,365

**Applicant(s)**

MARTIN ET AL.

**Examiner**

SHEREE N. BROWN

**Art Unit**

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-US)  
Paper No(s)/Mail Date 1/24/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to the amendments filed on January 23, 2008. Claims 1-11 are pending and presented for examination. Claims 1, 10 and 11 are independent and the other claims are dependent. Claims 1-11 have been amended.
2. This action has been made FINAL.

#### ***Response to Amendment***

3. Referring to the claim objection to claims, 8-10 and 11 has been acknowledged. Accordingly, examiner withdraws the objection.

#### ***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on 01/24/2008 was filed after the mailing date of the Application 10/549,365 filed on 09/14/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0033288 to Shanahan et al (hereafter Shanahan).

**Claim 1, 10 and 11:**

Shanahan teaches a method of generating a concept dictionary [See Figure 24 and Figure 6, Item 6110] for use in querying an information system [See Abstract & Paragraph(s) 0160, 0290, 0305, 0540, 0545, 0547, 0551 and 0555], comprising:

- (i) receiving an information search criterion [See Abstract & Paragraph(s) 0160, 0290, 0305, 0540, 0545, 0547, 0551 and 0555];
- (ii) deriving from said received search criterion, using a lexical reference source, at least one different search criterion ["the user is given the ability to specify a plurality of criteria for the search" See Paragraph 0524 wherein "one different search criterion" is the same as a "plurality of criteria"] having related meaning to said received search criterion [See Abstract & Paragraph(s) 0218, 0143, 0158, 0160, 0282-0285, and 0476];
- (iii) identifying a set of information in said information system relevant to said received search criterion and a different set of information in said information system relevant to said at least one derived search criterion ["sets of documents to list the categories" See Abstract & Paragraph(s) 0368 & 0410-0430];
- (iv) analyzing the identified sets of information and deriving from similarities and

differences therebetween relationships [“ranking technique” See Paragraph 0513 & 0527 wherein the highest rank is the most similar and the lowest rank is the most different] between said received search criterion and said at least one derived search criterion in the context of said information system [See Abstract & Paragraph(s) 0366]; and

(v) storing, in a concept dictionary, information relating to said received and said at least one derived search criterion and to respective said derived relationships there between, for use in querying said information system [See Abstract & Paragraph(s) 0574-0577].

*Claims 10 and 11 are rejected on the same basis as claim 1.*

**Claim 2:**

Shanahan teaches wherein, at step (i), receiving an information search criterion comprises selecting an information search criterion stored in said concept dictionary [See Figure 61 & 62].

**Claim 3:**

Shanahan teaches wherein, at step (ii), deriving at least one search criterion having related meaning comprises replacing a term of said received search criterion with a related term having a more specific meaning according to said lexical reference source [See Figure 0137, 0242 & 0420].

**Claim 4:**

Shanahan teaches wherein, at step (ii) deriving at least one search criterion having related meaning comprises replacing a term of said received search criterion with a related term having a more general meaning according to said lexical reference source [See Figure 0137, 0242 & 0420]. *Claim 4 contains similar limitations as claim 3 and is similarly rejected.*

**Claim 5:**

Shanahan teaches wherein, at step (ii) deriving at least one search criterion having related meaning comprises replacing a term of said received search criterion with a related term having an equivalent meaning according to said lexical reference source [See Figure 0137, 0242 & 0420]. *Claim 5 contains similar limitations as claim 3 and is similarly rejected.*

**Claim 6:**

Shanahan teaches, wherein, at step (ii), said lexical reference source is a thesaurus [See Figure 0053].

**Claim 7:**

Shanahan teaches, wherein, at step (ii), said lexical reference source is an ontological database [See Figure 0053 wherein the term “ontology” is used to describe listings of synonyms such as in a Thesaurus].

**Claim 8:**

Shanahan teaches, wherein, at step (ii), a plurality of search criteria are derived, each having related meaning to said received search criterion, and wherein at step (iv), the

respective identified sets of information are analyzed to derive relationships between search criteria comprised in said plurality of derived search criteria [See Figure 53, Item 5302 & Paragraph 0366].

**Claim 9:**

Shanahan teaches, wherein, at step (iv), deriving relationships between said search criteria comprises performing fuzzy processing of said derived search criteria and respective said identified sets of information to determine a measure of the generalization and/or specialization of one said search criterion over another in the context of said information system [See Paragraph(s) 0267, 0367, 0368 and 0387-0393].

***Response to Arguments***

8. Applicant's arguments filed January 23, 2008 have been fully considered but they are not persuasive.

**Applicant's Argument #1:**

Applicant argues on page 11, "The Examiner refers briefly to paragraphs [0366], [0368] and [0410] to [0430] when discussing this step, but nothing there corresponds to looking at respective search results obtained when using a received search criterion and a second search criterion derived from this".

**Examiner Response to Argument #1:**

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **respective search results obtained when**

using a received search criterion and a second search criterion derived from this) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Nevertheless, examiner maintains Shanahan teaching of “a plurality of criteria for the search” in Paragraph 0524 meets applicant's claim language. Accordingly, examiner maintains the rejection.

**Applicant's Argument #2:**

Applicant argues on page 11, “But the first and second questions in Shanahan are not then used for the same purposes as the “respective search criteria” according to applicant's method as claimed”.

**Examiner Response to Argument #2:**

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **the same purpose**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). This “purpose” is not clearly conveyed in the present claim language. Examiner suggests adding claim language that significantly assists in distinguishing *the questions* of Shanahan from applicant's claimed invention. Accordingly, examiner maintains the rejection.



**Applicant's Argument #3:**

Applicant argues on page 12, "There is no teaching in Shanahan of analyzing information identified as a result of processing the respective questions in order to determine relationships between the questions themselves, let alone in the context of a particular information system (i.e. the information system in respect of which the "identifying" step has been performed)".

**Examiner Response to Argument #3:**

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **analyzing information identified as a result of processing the respective questions in order to determine relationships between the questions themselves, let alone in the context of a particular information system (i.e. the information system in respect of which the "identifying" step has been performed)**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Accordingly, examiner maintains the rejection.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheree N. Brown whose telephone number is (571) 272-4229. The examiner can normally be reached on Monday-Friday 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sheree Brown /Sheree N. Brown/  
Patent Examiner, Art Unit 2163  
AU 2163  
May 19, 2008

/don wong/

